

BRIAN M. BOYNTON  
Acting Assistant Attorney General  
MARCIA BERMAN  
Assistant Director, Federal Programs Branch  
KATHRYN L. WYER (Utah Bar No. 9846)  
M. ANDREW ZEE (California Bar No. 272510)  
U.S. Department of Justice, Civil Division  
1100 L Street, N.W., Room 12014  
Tel. (202) 616-8475  
kathryn.wyer@usdoj.gov  
*Attorneys for Defendants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**ELOY ORTIZ OAKLEY, in his official  
capacity as Chancellor of California  
Community Colleges et al.,**

Plaintiffs,  
v.

**MIGUEL CARDONA, in his official  
capacity as the United States Secretary of  
Education<sup>1</sup>; U.S. DEPARTMENT OF  
EDUCATION,**

Defendants.

Case No. 4:20-cv-3215-YGR

**JOINT STATUS REPORT AND  
STIPULATED REQUEST TO  
CONTINUE HOLDING  
PROCEEDINGS IN ABEYANCE**

Judge: Honorable Yvonne Gonzalez Rogers  
Trial Date: None Set  
Action Filed: May 11, 2020  
Hearing date: [in abeyance]

The parties respectfully submit this joint status report pursuant to the Court's Order of February 8, 2021, and further stipulate, and respectfully request, that the Court continue to hold proceedings in this action in abeyance. The parties have conferred and report as follows:

Following the change in Department leadership on January 20, 2021, the Department continues to work towards publishing a final rule or taking other action to address the issues raised in comments submitted regarding the IFR at issue in this case. In light of the Department's continuing consideration, counsel for Defendants conferred with counsel for Plaintiffs, and the

---

<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Miguel Cardona is automatically substituted as a defendant in this action.

Parties have agreed and jointly request that proceedings in this case be held in abeyance for an additional sixty days.<sup>2</sup> The Parties further agree and propose that, at the end of this sixty-day period, the Parties will file a joint status report apprising the Court of the status of the Department's consideration and whether the Parties wish to proceed with briefing cross-motions for summary judgment, including, if applicable, a revised briefing schedule.

The Parties thus respectfully request that the Court continue to hold proceedings in this action in abeyance and order the parties to file a joint status report no later than sixty days from the date of the Court's order, apprising the Court of the status of the Department's consideration and whether the Parties wish to proceed with briefing cross-motions for summary judgment, including, if applicable, a revised briefing schedule.

Dated: April 9, 2021

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

MARCIA BERMAN  
Assistant Director, Federal Programs Branch

/s/ Kathryn L. Wyer  
KATHRYN L. WYER (Utah Bar No. 9846)  
M. ANDREW ZEE (California Bar No. 272510)  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W., Room 12014  
Washington, DC 20005  
Tel: (202) 616-8475  
Email: kathryn.wyer@usdoj.gov  
*Attorneys for Defendants*

Dated: April 9, 2021

MATTHEW RODRIQUEZ  
Acting Attorney General of California  
CHERYL FEINER

<sup>2</sup> Three other pending cases, one in the Eastern District of Washington, and two in the District of Massachusetts, also challenging the IFR, have also been held in abeyance. *See Washington v. Cardona*, No. 2:20-cv-182 (E.D. Wash.); *Noerand v. Cardona*, No. 1:20-cv-11271 (D. Mass.); *Massachusetts v. Cardona*, No. 1:20-cv-11600 (D. Mass.).

MICHAEL NEWMAN  
Senior Assistant Attorneys General  
CHRISTINE CHUANG  
Supervising Deputy Attorney General  
JULIA HARUMI MASS  
LEE I. SHERMAN  
SHUBHRA SHIVPURI  
JOSHUA SONDEIMER

/s/  
JASLEEN K. SINGH  
Deputy Attorneys General  
*Attorneys for Plaintiffs Eloy Ortiz Oakley and  
Board of Governors of the California Community  
Colleges*

**ATTORNEY ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I, Kathryn Wyer, hereby attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 9, 2021

/s/Kathryn Wyer  
Kathryn Wyer

**[PROPOSED] ORDER APPROVING STIPULATION**

On April 9, 2021, the Parties filed a Joint Status Report and Stipulated Request to Continue Holding Proceedings in Abeyance. Upon this submission and stipulation of the Parties, and good cause appearing, IT IS HEREBY ORDERED THAT proceedings in this action continue to be held in abeyance. The Parties shall file a Joint Status Report no later than sixty days from the date of this Order, apprising the Court of the current status of the Department's consideration; whether the Parties wish to proceed with briefing cross-motions for summary judgment; and, if applicable, proposing a revised briefing schedule.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Yvonne Gonzalez Rogers  
United States District Judge